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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,641	08/19/2003	Kent A. Hellebust	83531-230	5484
22504 7590 09/03/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
NGUYEN, NAM V				
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2612				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/644,641

**Applicant(s)**

HELLEBUST ET AL.

**Examiner**

Nam V. Nguyen

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24, 27-39, 41, 43 and 45-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52 is/are allowed.
- 6) ☒ Claim(s) 24, 27-39, 41, 43, 45-51 and 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's Amendment filed May 19, 2008.

An amendment to the claims 24, 37, and 51-52 has been entered and made of record in the application of Hellebust et al. for a "filtered in-box for voice mail, e-mail, pages, web-based information and faxes" filed August 19, 2003.

Claims 24, 27-39, 41, 43 and 45-55 are pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 24, 27-39, 41, 43 and 45-55, filed May 19, 2008 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 31, 33-34, 37 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su et al. (US# 5,815,800) in view of Segur (US# 6,212,550).

Referring to claims 24, 37 and 51, Su et al. discloses a pager (102) (i.e. a mobile wireless communication device) configured to communicate with a pager system (200) (i.e. a wireless infrastructure) (column 2 lines 30 to 46; see Figure 2), comprising:

A transceiver (106) (i.e. a receiver) configured to receive a plurality of messages of an audio format (i.e. a first format) and a plurality of messages of a txt format (i.e. a second format) (column 1 lines 64 to column 2 line 3; column 3 lines 30 to 44; see Figure 1); and

a non-volatile storage memory (112) (i.e. a memory) configured to receive a preferred format (i.e. at least one message-classification rule) (column 2 lines 22 to 29; column 3 lines 52 to 63; see Figures 4 and 5);

a digital signal processor (108) (i.e. a processor) connected to the transceiver (106) (i.e. the receiver) and to the memory (112), the digital signal processor (108) being configured to determine, based on the chosen preferred format (i.e. at least one input message-classification rule), classification information for the plurality of messages of the audio format (i.e. first format) and the plurality of message of the text format (i.e. the second format) (column 2 lines 22 to 29; column 3 lines 30 to 44; see Figures 1 to 5);

a display (116) connected to the digital signal processor (108) (i.e. the processor) and configured to present classification information associated with the messages of the audio format (i.e. the first format) and the text format (i.e. the second format) (column 2 lines 30 to 34; column 3 lines 30 to 44; see Figure 1).

However, Su et al. did not explicitly disclose the message-classification rule being at least for prioritizing the message.

In the same field of endeavor of a wireless communication device, Segur teaches a memory contains a message-classification rule being at least for prioritizing the message (column 3 lines 44 to 55; column 4 lines 2 to 9; see Figure 6) in order to receive and review messages quickly.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize a memory contains a message classification rule being at least for prioritizing the messages taught by Segur with a chosen of the preferred formats in the recipient pager of Su et al. because prioritizing the message in the memory would create the pager to display the relevant message information in a low priority stack in a secondary lists and to address the messages at a later time in a convenient time of the recipient pager.

Referring to claim 31, Su et al. in view of Segur disclose the wireless communication device of claim 24, Su et al. disclose where the first format is an audio format (i.e. a voice mail format) (column 1 lines 64 to column 2 line 3; column 3 lines 30 to 44).

Referring to claim 33-34, Su et al. in view of Segur disclose the wireless communication device of claim 24, Su et al. disclose where the first format is a text format (i.e. a e-mail format) (column 1 lines 64 to column 2 line 3; column 3 lines 30 to 44).

Claims 27-30, 32, 35-36, 38-39, 41, 43, 45-50 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su et al. (US# 5,815,800) in view of Segur (US# 6,212,550) as applied to Claims 24, 37 and 51 and in further view of Wicks et al. (US# 5,796,394).

Referring to claim 27, Su et al. in view of Segur disclose the wireless communication device of claim 24, Su et al. in view of Segur did not explicitly disclose wherein the processor is configured to produce updated classification information, and the display is configured to present the updated classification information.

In the same field of endeavor of a wireless communication device, Wicks et al. teach a processor (242) is configured to produce updated classification information, and the display (200) is configured to present the updated classification information (column 7 lines 21 to 53; see Figure 4) in order to review messages quickly.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the processor to update received messages and display the updated messages taught by Wick et al. with a chosen of the preferred formats in the recipient pager of Su et al. in view of Segur because updating received messages would create the pager to display the relevant received message information in a real time for the user.

Referring to claim 28, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the receiver is configured to receive classification information associated with messages from the plurality of messages of the first format and the plurality of messages of the second format, and the display (200) is configured to

display a number of messages of the first format (i.e. voice messaging) or a number of messages of the second format (i.e. a paging system or facsimile messages) (column 10 lines 33 to 41; see Figures 2-10).

Referring to claim 29, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the classification information includes information about an origin of at least one received message (column 8 lines 46 to 53; column 9 lines 63 to 67; see Figures 5 and 6).

Referring to claim 30, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the receiver is configured to receive a plurality of messages of a third format (i.e. e-mail messages) (column 4 lines 19 to 23; see Figure 1).

Referring to claim 32, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the first format is a fax format (column 4 lines 19 to 23; see Figure 1).

Referring to claim 35, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose where the first format is a short message service format (column 1 lines 37 to 44).

Referring to claim 36, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose where the first format is based on a Wireless Markup Language (13) (i.e. internet messaging) (column 4 lines 1 to 23; column 10 lines 42 to 63; see Figure 1).

Referring to claim 38, Su et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose further comprising a transmitter configured to transmit the message classification (column 4 lines 36 to 67; see Figure 1).

Referring to claim 39, Su et al. in view of Segur disclose the network device of claim 38, Wicks et al. disclose wherein the transmitter is configured to transmit the received message to a personal handheld communicator (110, 113 and 126) (i.e. the wireless network user) (column 3 lines 52 to 67; column 4 lines 49 to 67; see Figure 1).

Referring to claim 41, Su et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose wherein the processor (242) is configured to produce an updated message count associated with numbers of messages associated with the message classifications (column 10 lines 33 to 41; see Figures 2-10).

Referring to claim 43, Su et al. in view of Segur disclose the network device of claim 37, Wicks et al. disclose wherein the memory (250) is configured to receive the at least one



predetermined rule set from the user via a wireless communication device (column 5 lines 39 to 52; column 6 lines 49 to 65; see Figure 3);

Referring to claim 45-47, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the memory (250) is further configured to receive the at least one message rule by the user calling into an interactive voice-response system, the user performing touch-tone key presses or by the user using a computer interface via the Internet or World Wide Web (column 5 lines 37 to 52; column 11 line 46 to column 12 line 59).

Referring to claims 48-50, Su et al. in view of Segur disclose the wireless communication device of claim 24, Wicks et al. disclose wherein the at least one message rule facilitates searching of messages, incoming into the wireless communication device, for key words or phrases (column 5 lines 37 to 52; column 11 line 46 to column 12 line 59).

Referring to claim 53, Su et al. in view of Segur disclose the wireless communication device of claim 51, Wicks et al. disclose wherein the wireless device comprises the non-volatile storage 250 (i.e. database memory) connected to the processor (242) (column 5 lines 39 to 52; column 6 lines 49 to 65; see Figure 3).

Referring to claim 54, Referring to claim 53, Su et al. in view of Segur disclose the wireless communication device of claim 51, Wicks et al. disclose further comprising a message

memory (250) connected to the processor (242), wherein the processor (242) stores, in the message memory (250), incoming messages organized according to the respective classification information determined by the processor (242) for the messages (column 5 lines 41 to 52; column 11 line 26 to column 12 line 24; see Figures 3 and 12).

Referring to claim 55, Referring to claim 53, Su et al. in view of Segur disclose the wireless communication device of claim 51, Wicks et al. disclose wherein the processor (242) is further configured to:

update the display (200) to reflect receipt of the message (column 7 lines 21 to 34; see Figures 4 to 11), determine, based on the classification information determined for the received message and according to the at least one message-classification rule, whether the received message is of sufficient priority, and if the message is of sufficient priority, alert the user (column 12 lines 6 to 24; see Figures 2 and 12).

***Allowable Subject Matter***

Claim 52 is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/N. V. N./  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612